

A.No.9664 of 2019

M.SUNDAR, J.

Instant application is under Section 29-A (4) of 'The Arbitration and Conciliation Act, 1996 (Act No.26 of 1996)', which shall hereinafter be referred to as 'A and C Act' for the sake of brevity and convenience.

2. This application is for extension of time for the Arbitral Tribunal to make the award. What is of utmost significance is a communication from Hon'ble Arbitrator dated 09.12.2019 (electronic mail communication), which reads as follows:

'Dear Sirs,

In the above matter, the Award has been made ready. As soon as you get an order from the Hon'ble High Court, Madras, Award will be sent to the Parties. Please direct your clients to pay the balance fees within 3 days.

Justice K.Venkataramn

Sole Arbitrator'

WEB COPY

3. Learned counsel for respondents, on instructions, submits that the balance fee has since been paid to the Hon'ble Arbitrator Yesterday. This submission is recorded. This Court is informed that applicant, who is claimant before Arbitral Tribunal has already paid his moiety qua Hon'ble

arbitrator's fees.

4. Be that as it may, both learned counsel agreed on extension of time and in the light of consensus, it is not necessary to dilate on facts.

5. Be that as it may, for the purpose of setting out the legal position/provision in correct perspective, it is necessary to mention that the first application for extension of time was filed by taking the first sitting of the Arbitral Tribunal as the reckoning date. This is plainly in correct. Prior to 30.08.2019, going by the obtaining position/provision, the reckoning date is the date on which, the Hon'ble Arbitrator enters upon reference. Be that as it may, it may not be necessary to delve further into this aspect of the matter, as there is no dispute that 12+6=18 months time as well as the four months extended period, extended vide order of this Court have lapsed and therefore, there is a need to extend the time further.

6. In the light of e-mail dated 09.12.2019 from the Hon'ble Arbitrator extracted and reproduced supra, by consent of both sides, this application is ordered by extending time for Hon'ble Arbitrator to make the award by a fortnight from the date of receipt of a copy of this order.

7. This application is ordered on above terms.

A.No.9664 of 2019

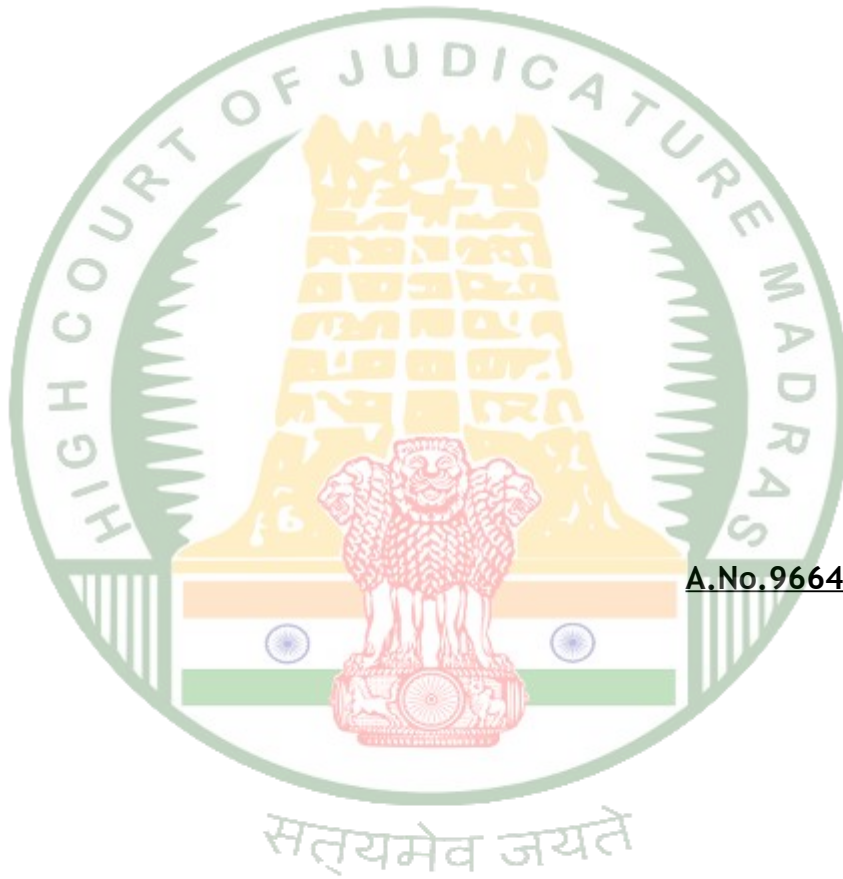
vsm

20.12.2019

Note: Registry is directed to send a copy of this order to Hon'ble Arbitrator Mr.Justice K.Venkataramn (Retd.) at L-Block, No.125, East Anna Nagar, Chennai - 600 102.

M.SUNDAR, J.

vsm



A.No.9664 of 2019

WEB COPY

20.12.2019